

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

ZHANG MEDICAL P.C. d/b/a

NEW HOPE FERTILITY CLINIC

Debtor.
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Case No. 23-10678-PB

Chapter 11
(Subchapter V)

**ORDER DENYING DEBTOR’S MOTION FOR ENTRY OF A FINAL ORDER
AUTHORIZING THE DEBTOR’S CONTINUED USE OF ITS (I) CASH
MANAGEMENT SYSTEMS, (II) EXISTING BANK ACCOUNTS, (III) BUSINESS
FORMS AND BOOKS AND RECORDS AND (IV) GRANTING RELATED RELIEF**

WHEREAS, on May 4, 2023, Zhang Medical P.C. (the “Debtor”) filed its *Motion for the Entry of an Order Authorizing the Debtor’s Continued Use of its (I) Cash Management Systems, (II) Existing Bank Accounts, (III) Business Forms and Books and Records and (IV) Granting Related Relief* [Dkt. 8] (the “Motion”)¹;

WHEREAS, on May 11, 2023, the Court entered an order granting the Motion on an interim basis [Dkt. 15] (the “Interim Order”);

WHEREAS, the Interim Order directed the Debtor to “serve a copy of this Order on . . . the Cash Management Banks . . .” within three business days of the entry of the Interim Order and set a final hearing on the Motion for June 6, 2023 at 2:00 p.m.;

WHEREAS, at the hearing on June 6, 2023, the Debtor acknowledged that it had failed to comply with the service requirements set forth in the Interim Order, and the Court directed the Debtor to serve the Interim Order and a proposed final order granting the Motion on all parties identified for service in the Interim Order no later than June 7, 2023;

¹ Capitalized terms not defined herein shall have the meaning assigned to them in the Motion.

WHEREAS, on June 7, 2023, the Debtor filed a Notice of Presentment [Dkt. 44] of the proposed final order granting the Motion (the “Proposed Final Order”);

WHEREAS, on June 9, 2023, the Debtor filed a certificate of service [Dkt. 54] affirming that it served the Interim Order and the Proposed Final Order on all parties identified for service in the Interim Order on June 7, 2023 other than the Cash Management Banks;

NOW, THEREFORE, IT IS HEREBY

ORDERED that, the Debtor having failed to serve the Cash Management Banks despite being directed to do so in the Interim Order and again at the hearing on June 6, 2023, the Debtor’s request for entry of the Final Proposed Order is denied, without prejudice to the Debtor’s refile of a second notice of presentment of the Proposed Final Order after properly serving the Interim Order and the Proposed Final Order on the Cash Management Banks; and it is further

ORDERED that the Interim Order shall remain in effect pending further order of the Court.

Dated: New York, New York
June 13, 2023

/s/ Philip Bentley

Honorable Philip Bentley
United States Bankruptcy Judge